

REMARKS

In the Office Action¹ mailed November 13, 2009, the Examiner rejected claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-70 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent 6,987,945 to Corn et al. ("Corn") in view of U.S. Patent No. 6,178,407 to Lotvin et al. ("Lotvin"); and rejected claims 47, 57, and 67 under 35 U.S.C § 103(a) as being unpatentable over *Corn* and *Lotvin* in view of U.S. Published Patent Application No. 2002/0032790 to Linderman ("Linderman").

Claims 38-41, 44-51, 54-61, and 64-70 are pending.

Applicants respectfully traverse the rejection of claims 38-41, 44-46, 48-51, 54-56, 58-61, 64-66, and 68-70 under 35 U.S.C § 103(a) as being unpatentable over *Corn* in view of *Lotvin*.

Independent claim 38 recites a method for providing access to an electronic course that is hosted by an external system, including "receiving, at a server, metadata defining a course catalog, from the external system."

Corn discloses initial web page 6 stored on web server 4. *Corn*, col. 7, lines 49-55; Figure 1. But web server 4, for example, does not receive initial web page 6 from an "external system," as recited in claim 38

Indeed, on page 3 of the Office Action, the Examiner agrees that *Corn* does not teach or suggest the "external system" and instead relies on *Lotvin*. *Lotvin* discloses a third party provider as allegedly constituting the claimed "external system," and also

¹ As Applicants' remarks with respect to the Office Action's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

discloses a user computer and a central computer. *Lotvin*, Figure 14. The user computer can access educational content directly from the third party provider. *Lotvin*, col. 13, lines 23-26. Afterwards, the user computer can upload "earned points" for completing the educational content to the central computer. But at no point does *Lotvin*'s central computer receive anything from the third party provider. Accordingly, *Lotvin* cannot teach or suggest "receiving, at a server, metadata defining a course catalog, from the external system," as recited in claim 38 (emphasis added).

Independent claim 38 further recites "transmitting, by the server, a track command to the external system for tracking the user activity through the at least one selected course."

Corn discloses electronic device 16 accessing a web page, which includes an applet, from web server 4. *Corn*, col. 11, lines 30-35. The applet tracks a length of time that a user of electronic device 16 spends on the web page. *Corn*, col. 11, lines 30-35. But *Corn*'s applet cannot constitute the claimed "track command" at least because it is not "transmit[ed] . . . to the external system," as recited in claim 38 (emphasis added).

As discussed, the Examiner relies on *Lotvin* to teach or suggest the claimed "external system" as *Lotvin*'s third party provider. But there is no evidence that any "track command" is transmitted to *Lotvin*'s third party provider. Accordingly, *Lotvin* cannot teach or suggest "transmitting, by the server, a track command to the external system," as recited in claim 38 (emphasis added).

For at least these reasons, combinations of *Corn* and *Lotvin* fail to teach or suggest claim 38. Independent claims 48, 58, and 68-70, while of different scope than claim 38, distinguish over *Corn* and *Lotvin* for reasons similar to claim 38. Claims

39-41, 44-46, 49-51, 54-56, 59-61, and 64-66 distinguish over *Corn* and *Lotvin* at least due to their dependence from one of the independent claims.

Applicants respectfully traverse the rejection of claims 47, 57, and 67 under 35 U.S.C. § 103(a) as being unpatentable over *Corn* and *Lotvin* in view of *Linderman*.

Claims 47, 57, and 67 depend from claims 38, 48, and 58, respectively, and include all recitations therein. As discussed previously *Corn* and *Lotvin* fail to teach or suggest claims 48, 58, and 68. *Linderman* fails to cure the deficiencies of *Corn* and *Lotvin* by also failing to teach or suggest "receiving, at a server, metadata defining a course catalog, from the external system" and "transmitting, by the server, a track command to the external system for tracking the user activity through the at least one selected course," as recited in claim 38, and similar recitations of claims 48 and 58. Accordingly, combinations of *Corn*, *Lotvin*, and *Linderman* fail to teach or suggest claims 47, 57, and 67.

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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